THE BOMBAY CHILDREN ACT, 1948 BOM. LXXI OF 1948).

[1]G. N., H. D., No. 6978/3, dated 27th March 1936 (B. G., Pt. IV-A, p. 377). S. 109.

Bombay Children and Juvenile Courts Rules, 1936.

Amended by G. N., H. D., No. 6978/3-II, dated 7th September 1936.
Amended by G. N. H. D. No. 6978/3-VI, dated 3rd October 1938.
Amended by G. N.. H. D.. No. 9180/3-II, dated 7th November 1938.
Amended by G. N., H. D.. No. 9180/3-II, dated 1st May 1939.
Amended by G. N., H. D., No. 6978/3-VI dated 24th January 1940.

In exercise of the powers conferred by sections 46 and 52 of the Bombay Children Act, 1924 (Bom. XIII of 1924) (hereinafter referred to as the said Act), and with the previous approval of the Governor General in Council, the Governor in Council is pleased, in supersession of the Government Notifications* in the Home Department specified in the margin, to make the following rules for the purpose of carrying into effect the provisions of the said Act, namely :—

*No. 221/XIV, dated the 21st December 1926.
No. 962/2-III, dated the 14th June 1927.
No. 3925/3-II, dated the 20th September 1934.
No. 7838/2, dated the 12th March 1935.
No. 4965/3, dated the 6th August 1935.
No. 5943/3, dated the 25th October 1935.
No. 5894/3, dated the 9th December 1935.

1. *Short title.*—These rules may be called the Bombay Children and Juvenile Courts Rules, 1936.

2. *Interpretation.*—In these rules—

(1) "Act" means the Bombay Children Act, 1924 ; and

(2) "Section" means a section of the Act.

3. *Certification of institutions.*—If the managers of any institution not certified under sub-section (*2*) of section 34 desire that the institution should be so certified they shall make a written application in this behalf to the Chief Inspector who shall call the institution to be inspected and shall make a report to the State Government regarding the provision made in the institution for the boarding, lodging, and general health of the inmates, and the quality of the literary and industrial training made available.

4. *Registers to be maintained by certified schools.*—The Chief Inspector shall, subject to he general control of the State Government prescribe the registers and record to be maintained by the managers of a certified school in respect of children committed to such school.

5. *Inspection Board.*—The Inspecting Agency for the inspection of certified schools and institutions under sub-section (*1*) of sections 36 and 45 shall be as follows :—

(1) Chief Inspector.

(2) Inspectors.

6. *Chief Inspector.*—The Backward Class Officer shall be the Chief Inspector. He may visit any certified school at any time, hear any complaints of the inmates, and make suggestions to the Managers of the School.

[1] The Bombay Children and Juvenile Courts Rules, 1936, published in this notification have been saved under section 110 of the Bombay Children Act, 1948 (Bom. 71 of 1948).

7. *Appointment and duties of Inspectors.*—The State Government may from time to time appoint any person to be an Inspector of Certified Schools for any area and the person so appointed shall thereafter work in that capacity under the orders of the Chief Inspector. He shall, at least once a year, inspect all parts of each certified school and see every child or youthful offender confined in it. He shall during his inspection give everyone the opportunity of making any application or complaint to him which such child or youthful offendr may wish to make. A brief memorandum of the state in which he finds the school and the manner in which it is administered together which any suggestions he may wish to make, shall, on the occasion of each inspection, be recorded by him in the Visitors' Book.

Each Inspector of Certified Schools shall submit to the Chief Inspector an annual report on the working and progress of certified schools within his jurisdiction.

8. *Educational Inspection.*—In addition to the Inspectors appointed under rule 7 the Government Educational Inspector of each division shall also be an Inspector of Certified Schools within his division for carrying out purely educational inspection. He shall receive through the Director of Public Instruction such directions as the Chief Inspector may consider it necessary to give him and shall submit his reports of inspection of certified schools to the Chief Inspector through the Director of Public Instruction.

Each such Inspector shall inspect the premises of each certified school within his jurisdiction, see the children and youthful offenders, and hear their complaints at least once in six months. He shall annually examine the literary classes of each such school with the help, if necessary, of the ordinary Educational Inspecting Officers, and shall satisfy himself that all the accounts and registers are maintained according to the rules for the time being in force and that proper arrangements are made for the safe custody of all records. He shall record in the Visitors' Book a brief memorandum of the state in which he finds the school and of the manner in which it is adminstered, together with any suggestions he may wish to make and submit annually to the Director of Public Instruction an inspection report on each school. The Director of Public Instruction will forward such report to the Chief Inspector.

9. *Inspection of Certified Schools for girls.*—Certified Schools which are meant for girls only shall be inspected only by the Chief Inspector or by an Inspectress to be nominated by him.

10. *Inspection of Industrial Classes.*—The industrial Classes attached to certified schools shall be examined by the Committee of Direction for Technical Education which will submit an Inspection Report to the Chief Inspector through the Inspector of Certified Schools, if any.

11. *Detention of juveniles not released on bail after arrest.*—When a child is arrested and is not released on bail under the provisions of section 18 or otherwise, he shall be detained in a certified school or place of safety. If no certified school or place of safety is available, such child may be detained at a police-station but in any case apart from adult prisoners :

Provided that, if the child be a girl, such girl shall be forwarded with the least possible delay to a Court empowered to pass an order under section 20. The fact of the arrest and detention shall be forthwith communicated to the parent or gurdian of the child and also to the Probation Officer of the Court exercising juvenile court jurisdiction in the area of the Police station.

12. *Remand or committal of juveniles to custody,*—(1) When a child is remanded or committed for trial under the provisions of section 20, he shall, unless the charge be one of culpable homicide or any other offence punishable with death or transportation, be detained in a certified school or place of safety. Where no certified school or place of safety is available such child may be detained in Jail or Sub-jail, but apart from adult prisoners.

(2) If the charge be one of cuplable homicide or any other offence punishable with death or transportation, such child instead of being detained in the manner prescribed in sub-rule (1) shall be confined, in the city of Bombay in the absence of any general or special orders that the Chief Presidency Magistrate may make to the contrary, in the House of Correction, Bombay, and elsewhere, in the absence of any general or special orders that the District Magistrate may make to the contrary, in the nearest jail, but in any case in a separate cell apart from adult prisoners.

13. *Inspection of a place of safety.*—(1) Any place of safety in the City of Bombay in which a child is detained under rule 11 or 12 shall be open to inspection by the Chief Presidency Magistrate, Bombay, or any magistrate deputed by the Chief Presidency Magistrate ; and elsewhere, it shall be open to inspection by the District Magistrate or any magistrate deputed by the District Magistrate.

(2) The occupier or manager of such place of safety shall give every facility to the Probation Officer who visits the child for the purpose of making enquiries into his case.

(3) The occupier or manager of such place of safety may be paid such remuneration as the Chief Presidency Magistrate, Bombay, or the District Magistrate, as the case may be, may decide.

14. *Constitution and procedure of juvenile Courts.*—(*a*) Every Juvenile Court established under sub-section (*1*) of section 46 shall consist of a salaried Presidency Magistrate in the City of Bombay or a salaried First Class Magistrate elsewhere sitting singly or with such Honorary Magistrates not exceeding two in munber as may be specially appointed for this purpose by the State Government, provided that in the absence of any one or both of the Honorary Magistrates, it shall be competent for the salaried Magistrate sitting singly or with the Honorary Magistrate who amy be present, as the case may be, to exercise all or any of the powers of a Juvenile Court.

(*b*) In case of disagreement between the members of the Bench constituting the Juvenile Court, the opinion of the salaried Magistrate shall prevail.

(*c*) Subject to the control of the State Government, the Chief Presidency Magistrate, Bombay, may from time to time determine from the list of salaried Presidency Magistrates an Honorary Lady Presidency Magistrate appointed as Juvenile Court Magistrate for the City of Bombay and elsewhere, the District Magistrates may similarly detrmine from the list of salaried First Class Magistrates and Honorary Magistrates appointed as Juvenile Court Magistrates for the district, the person or persons who shall sit in the Juvenile Court or Courts and the time when and the place at which the Juvenile Court or Courts shall sit.

15. *Proceeding of the Juvenile Court.*—(*a*) The public generally shall not have any access to, or be or remain in, any room or building used as a Juvenile Court ; but the Court may, at its discretion, permit any person to be present during the

whole or part of the proceedings of a case. No report of any proceedings of the Court shall be published without the Court's permission ; and no such report, when permitted, shall mention the name of the child involved.

(*b*) Subject to the provisions hereinafter appearing, the procedure prescribed by the Criminal Procedure Code for the trial of summons cases, and for recording evidence therein shall be followed in hearing all cases against children under the Act :

Provided that when a child and a person who is not a child, are charged together with an offence triable under the Code of Criminal Procedure exclusively by a Court of Session, the Court may, if it thinks fit, commit the child along with such person for trial by a court of Session :

Provided that instead of recording a conviction, the Court if it finds that an offence has been committed shall record a finding to that effect.

In all such cases the proceedings shall be conducted in as simple a manner as possible and no unnecessary formality shall be observed. Care must be taken that the child accused of an offence understands the nature of the proceedings.

15A. *Medical opinion regarding age and physical and mental condition of children.*—In every case against a child, the Court shall obtain medical opinion regarding his age and his physical and mental condition ; and when passing orders in such case, shall, after taking into consideration the medical opinion and such other evidence as may be available, record a finding in respect of his age.

16. *Supply of information regarding juveniles by Courts and Police.*—(1) Whenever a court orders a juvenile to be detained in a certified school, it shall forward to the Managers of such school a copy of its judgment, if any, or orders, together with information regarding the age and address of the juvenile, if known, and any particulars of his home and previous record that may have been discovered.

(2) The officer in charge of the Police Station concerned shall, on the issue of orders by a Court for the detention of a juvenile in a certified school, forward to the Managers of such school, copies of any records he may have of the juvenile's previous history.

17. *Authorization of persons to act under section 7 or 14.*—The Commissioner of Police in the City of Bombay, and the District Magistrate elsewhere, may authorise such Police officers as they think fit, and the Chief Presidency Magistrate in the City of Bombay, and the District Magistrate elsewhere, may authorise such other persons as they think fit, to take action under sub-section (*1*) of section 7 or 14 in those places to which the provisions of these sections have been applied.

18. (*i*) *Contribution of parent or other person.*—A Court making an order under sub section (*1*) of section 28 may direct the parent or other per on liable to maintain the child or youthful offender, to pay into Court, in advance, in the beginning of each month such sum of money as the Court may think fit not exceeding Rs. 50 in the whole per mensem, towards the maintenance of such child or youthful offender.

(*ii*) *Enforcement of order as to contribution.*—When a Court has by its order under this rule directed the person liable to maintain a child or youthful offender, to pay a sum of money for the maintenance of such child or youthful offender, and such person makes default in the payment of the sum for period of one week after the expiry of the due date of payment, the Court may take action for the recovery of the same in the manner provided in section 488 of the Code of Criminal Procedure, 1898.

19. *Manner in which a child or youthful offender may be committed to the care of a parent, guardian, relative or other fit person*—

(*a*) A Court making an order committing a child or youthful offender to the care of, or allowing a child to emain in the custody of, a parent, guardian, relative or other fit person, as the case may be, under section 7, 15 or 24, may direct such parent, guardian, relative or person to enter into a bond in the form in Schedule A appended to these rules, with or without sureties, and in such um of money as the Court may think fit, to keep him under proper care and control, and to be responsible for his good behaviour. In addition to the conditions prescribed in the form in Schedule A, the Court may impose such other conditions as it may think fit for securing that the child or youthful offender, as the case may be, may lead an honest and industrious life.

(*b*) Where a child or youthful offender has been placed under the supervision of a probation officer, the Court shall impose a condition that all necessary assistance shall be rendered by the parent, guardian, relative or other person, as the case may be, to the probation officer to enable him to carry out the duties of supervision.

20. *Extension of period of order.*—A Court making a committal or supervision order under section 7, 15 or 24 in respect of a child or youthful offender may subject to the provisions of section 7, 15 or 24 as the case may be, extend the period of such committal or supervision, if in its opinion, the progress of the child or youthful offender, as the case may be, is not satisfactory.

21. *Application for recognition of societies for appointment of probation officers.*—Any society desiring to be recognised for the purpose of appointing persons to be probation officers under clause (*b*) of sub-section (*1*) of section 24A, shall apply to the State Government in writing through the Chief Inspector of Certified Schools.

21A. *Probation Officers not to employ children or youthful offenders for their private purposes.*—A Probation Officer shall not employ a child or a youthful offender placed under his supervision, for his own private purposes or take any private service from him.

22. *Conditions for release on licence under section 30 (1A).*—A youthful offender detained in a certified school shall not be released by the Chief Inspector under sub-section (*1A*) of section 30, except on the conditions prescribed in Schedule B appended to these rules.

23. *Short leave of absence to inmates of certified schools.*—(1) The Manager of a certified school may, on sufficient cause being shown to his satisfaction, grant permission in writing to an inmate to absent himself for short periods not

exceeding three days at a time subject to the maximum of nine days in a year exclusive of the time required for going to and returning from the destination, for the purpose of visiting parents or relations.

(2) The time during which an inmate is absent from the school under sub-rule (1) shall be deemed to be part of the time of his detention in the school.

(3) The permission granted under sub-rule (1) may at any time be cancelled by an order in writing by the Manager and the inmate may be recalled by him without giving any reasons therefor.

(4) If any inmate fails to return to the school at the expiry of the period permitted under sub-rule (1) or when recalled under sub-rule (3), the Manager shall report the matter to the Chief Inspector and any Police Officer, may on the application in writing of such Manager, arrest the inmate without warrant and send him back to the school.

(5) The time which elapses after the failure of an inmate under sub-rule (4) to return to the school shall be excluded in computing the time of his detention in the school.

(6) Any parent or guardian contributing towards the maintenance of his child in a ceritfied school, under an order passed by a Court under sub-section (*1*) of section 28, shall be exempt from the payment of such contribution for the period during which the child is absent from the school under sub-rule (1).

24. *Escape from a certified school or supervision.*—Any child who escapes from a certified school, or from the supervision of a society, or person under whose supervision he was directed to remain, may be arrested by any officer of Police without warrant and sent back to such certified school, society or person, as the case may be.

SCHEDULE A.

(*Rule 19.*)

Whereas I
being the parent, guardian, relative or person
in whose custody / to whose care

has been

allowed to remain / ordered to be committed

by the

juvenile court / Magistrate

, have been directed by the said

juvenile court / Magistrate to execute a bond in the sum of rupees

(Rs.), with

one surety‡ / two sureties, I hereby bind myself that on the said

being allowed to remain in my custody / committed to my care I shall have the said

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* Here enter the name of the person to whose care the child or youthful offender is committed.
† Here enter the name of the child or youthful offender as the case may be.
‡ Omit where no surety is required.

properly taken care of and I do further bind myself to be responsible for the good behaviour of the said and to observe the following conditions for a period of years commencing from..... :—

(1) that I shall not change my place of residence without giving previous intimation in writing to the Court through the probation officer;

(2) that I shall not remove the said form the limits of the jurisdiction of the Court without previously obtaining the written permission of the Court;

(3) that I shall send the said *daily to school / to such daily work as is approved by the Court, unless prevented from so doing by circumstances beyond my control;

(4) that I shall report immediately to the Court through the probation officer if the said misbehaves or absconds from my custody;

(5) that I shall produce the said before the Court whenever so required by the Court;

†(6) that I shall render all necessary assistance to the probation officer to enable him to carry out the duties of supervision. †

( ) ‡

( ) ‡

( ) ‡

§(7) In the event of my making default herein, I bind myself to forfeit to the State Government the sum of rupees (Rs.).

Dated this the day of 19

Before me,

(Signed)

Signature of person executing the bond.

(Where a bond with sureties is to be executed add)

I/We of in the taluka of in the district of hereby declare myself surety / ourselves sureties for the aforesaid

* To be retained in the case of a child or youthful offender of school age.
† These words should be omitted if the supervision by a probation officer has not been ordered.
‡ Here enter additional conditions, if any, imposed by the Court numbering them properly.
§ To be renumbered where necessary.

that he shall do and perform all that he has underta ken to do and perform and in case of his making default therein, I/we hereby bind myself / ourselves jointly and severally to forfeit to the State Goverament the sum of rupees (Rs.).

Dated this the day of 19

In the presence of

Before me,

(Signed)

SCHEDULE B.

Form of order of release on licence (vide *rule 22*).

I, Chief Inspector of Certified Schools, State of Bombay, do by this licence permit son / daughter of caste residence number who was ordered to be detained in a certified school by the Court under section of the Bombay Children Act, 1924 (Bom. XIII of 1924), for a term of on the day of 19 , and who is now detained in the school at

to be discharged from the said school on condition that he / she be placed under the care, supervision and authority of during the remaining portion of the aforesaid period of detention.

This l'cence is granted subject to the conditions endorsed hereon, upon the breach of any of which it shall be liable to be revoked.

Chief Inspector o' Certified Schools, State of Bombay.

Dated the

Conditions.

(1) The licensee shall proceed to and live under the authority of the *Secretary, Bombay Presidency Borstal Association / Society A.B. until the expiry of th period of his / her detention unless the remission is sooner cancelled.

* Where necessary this may be struck off and the name of any society or person approved by the Chief Inspector may be entered.

(2) He/She shall not, without the consent of the said, Secretary/Society/A.B. remove himself/herself from that place or any other place which may be named by the said Secretary/Society/A.B.

(3) He/She shall obey such instructions he/she may receive from the said Secretary/Society/A.B. with regard to punctual and regular attendance at employment or otherwise.

(4) He/She shall abstain from committing any offence and shall lead a sober and industrious life to the satisfaction of the said Secretary/Society/A.B.

(5) In the event of his/her committing a breach of any of the above conditions, the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub-section (*3*) of section 30 of the Bombay Children Act, 1924.

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

(Signature or mark of the licensee.)

Certified that the conditions specified in the above order have been read over/explained to (name) and that he/she has accepted them as the conditions upon which the remission of the period of detention has been granted to him/her and that he/she has been released accordingly on the 19

Signature and designation of the certifying authority (i.e., Superintendent of the School).